

**REMARKS**

Reconsideration of the application is respectfully requested.

**I. Status of the Claims**

Claims 1 – 18 are pending, with claims 14 – 18 having previously been withdrawn due to restriction. Applicants amend claims 1, 19 and 20. No new matter is introduced. Support for the amendment “before charging the electrical storage device” is found, for example, in the last sentence of [0177] and the first sentence of [0198] in the application as published. Support for the amendment “after assembling the electrical storage device” can be found, for example, in the last sentence of [0190], the last sentence of [0191] and the second sentence of [0192] in the application as published. Claims 1-13, 19, and 20 are at issue in this response.

**II. Claim objection**

Claim 19 is objected to since, according to the Examiner, the phrase “the lithium electrode is comprises” is grammatically incorrect. Claim 19 is amended herewith to remove the “is.”

Claim 20 is also amended to recite “are provided” instead of “are provide.”

**III. Rejections under 35 U.S.C. § 103**

Claims 1-2, 4, 6-10, 12-13, and 19-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,862,168 to Ando et al. (“Ando ‘168”) in view of Japanese Patent Application No. JP 2002-324585 to Japan Storage Battery Co. Ltd. (“Murai”) and U.S. Patent No. 6,461,769 to Ando et al. (“Ando ‘769”).

Claims 3 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ando ‘168, Murai and Ando ‘769.

Claims 1 – 4 and 6 – 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ando '769 in view of Japanese Patent Application No. JP 08-190934 to Hitachi Ltd. ("Muranaka") or Murai.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over both Ando '168 and Ando '769 when the reference is taken in view of Japanese Patent Application No. JP-8-190934A (Honbou), Murai, or alternatively Ando '769 and Murai, and further taken in view of U.S. Pat. No. 6,653,018 (Takahashi) or U.S. Pat. No. 6,576,365 (Meitav).

According to the Examiner, Applicants argument that claim 1 as presented comprises a positive electrode terminal that is welded to a protrusion of the positive electrode collector, a negative electrode terminal that is welded to a protrusion of the negative electrode collector provided on the negative electrode, and a lithium electrode terminal is that is welded to a protrusion of the lithium electrode collector, where these features are neither disclosed or suggested by the cited art is not persuasive. The Examiner states that this argument does not provide any rational to support Applicants assertions and do not specifically point out how the language of the claims is patentably distinguished from the cited art.

Applicants respectfully traverse.

Claim 1 contains multiple elements, several of which, in combination, are not found in the cited art. These elements include: (a) a positive electrode terminal that is welded to a protrusion of the positive electrode collector, (b) a negative electrode terminal that is welded to a protrusion of the negative electrode collector provided on the negative electrode, and (c) a lithium electrode terminal is that is welded to a protrusion of the lithium electrode collector. Neither Ando '168 nor Ando '769 disclose or suggest each of these elements. Further, a person of ordinary skill in the art, upon reading each of the cited references, would not be motivated to combine the various elements of the known electrical storage devices in such a way as to obtain the claimed electrical storage device. Applicants are not required to point to each section of the cited art to prove that they do not contain the referenced components. Applicants have clearly and distinctly claimed their invention

Amendment dated February 26, 2010

Reply to Office Action of December 15, 2009

by positively reciting the claimed elements and submit that the claims are novel and non-obvious over the cited art.

Nevertheless, in order to expedite prosecution, Applicants amend claim 1 to further distinguish the claimed electrical storage device from the cited art. As presently pending, claim 1 recites that the lithium ions can be supplied to the electrode “after assembling the electrical storage device” and “before charging the electrical storage device.”

In Ando '168 and Ando '769, the supply of Li ion starts while a cell is assembled (i.e., when an electrolytic solution is injected). See, for example, Ando '769 col. 8 line 23 to col. 9 line 2. In Murai and Honbou, Li ion which is deficient is supplied after charge/discharge of a battery. In contrast to the teachings in the cited art, in the presently claimed invention, Li ions are supplied after assembling the cell but before charge/discharge (pre-dope). Thus, the cell surface is smoothed, and a DC internal resistance is reduced. (See, for example, para. [0200] in the specification as published).

Similarly, none of Muranaka, Honbou, Murai, Takahashi, or Meitav teach or suggest this element of the electrical storage device as claimed. Thus, none of the cited references suggest the structure and advantages as provided in the presently claimed invention or provide sufficient motivation for a person of ordinary skill to form the electrical storage devices where the Li ions are supplied after assembling the electrical storage device and before charging the electrical storage device.

Since none of the cited references teach or suggest each element of the instantly claimed invention, and each of claims 2 – 13 and 19 – 20 are directly or indirectly dependent on claim 1, each of claims 1 – 3 and 19 – 20 are not obvious in view of the cited art. Therefore, Applicants respectfully request that the rejections of claims 1 – 13 and 19 – 20 under 35 U.S.C. § 103(a) be withdrawn.

Amendment dated February 26, 2010

Reply to Office Action of December 15, 2009

**CONCLUSION**

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. If there are any remaining issues which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below

Dated: February 26, 2010

Respectfully submitted,

By \_\_\_\_\_/Lydia G. Olson/ \_\_\_\_\_  
Lydia G. Olson  
Registration No.: 48,487  
DARBY & DARBY P.C.  
P.O. Box 770  
Church Street Station  
New York, New York 10008-0770  
(206) 262-8913  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicant